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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, DENIS
MOLINA, JHONY SILVA, MARIA ELENA
HERNANDEZ, O.C., SANDHYA LAMA,
S.K., TEOFILO MARTINEZ,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-05687-TLT

**PLAINTIFFS' NOTICE OF MOTION AND
OPPOSED ADMINISTRATIVE MOTION
FOR LEAVE TO FILE MULTIPLE
MOTIONS FOR SUMMARY JUDGMENT;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF**

Complaint Filed: July 7, 2025

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NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, on September 8, 2025, or as soon thereafter as this matter may be heard, before the Honorable Trina L. Thompson of the United States District Court for the Northern District of California, Plaintiffs move for leave to file multiple motions for summary judgment. This Motion (which Defendants oppose) is based upon this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; pleadings and filings in this case; any additional matter of which the Court may take judicial notice; and such further evidence or argument as may be presented before, at, or after the hearing.

Respectfully submitted,

NATIONAL DAY LABORER
ORGANIZING NETWORK

/s/ Jessica Karp Bansal
Jessica Karp Bansal
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Attorneys for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs respectfully seek leave to file two motions for summary judgment.¹ The first motion—filed today—would address a narrow and purely legal claim requiring no discovery: that Defendants violated Section 706 of the APA by arbitrarily and capriciously failing to acknowledge or explain their departure from two decades of unbroken agency practice of providing at least a six-month orderly transition period when terminating a TPS designation. The Court already considered this issue in connection with Plaintiffs’ postponement motion, and expedited resolution on summary judgment is critical because the Ninth Circuit’s stay of the postponement order (Dkt. 96) exposes Plaintiffs and tens of thousands of others to imminent loss of TPS protection. Plaintiffs’ second motion for summary judgment, to be filed by October 14, 2025 (Dkt. 91), would address Plaintiffs’ other APA claim regarding the pretextual and predetermined nature of the termination decisions.

“District courts have discretion to entertain successive motions for summary judgment,” which can “promote[] just, speedy, inexpensive resolution of suits.” *Casa Nido P’ship v. Kwon*, No. 20-cv-07923-EMC, 2024 WL 628438, at *1 (N.D. Cal. Feb. 14, 2024) (citing *Hoffman v. Tonnemacher*, 593 F.3d 908, 911 (9th Cir. 2010)); accord *Martinez v. High*, 91 F.4th 1022, 1027–28 (9th Cir. 2024) (holding that second motion for summary judgment “was neither frivolous nor simply repetitive, and the district court was free to entertain it”). This Court considers additional motions for summary judgment upon a showing of “good cause.” Standing Order for Civil Cases Before District Judge Trina L. Thompson ¶ 24.

There is good cause for a separate, immediate motion on the departure-from-past-practice claim because the issue is purely legal, the Court has examined it already, and the challenged terminations of TPS for Honduras and Nicaragua are scheduled to take effect on September 9, 2025—before the Court rules on the dispositive motions due October 14. Although the Ninth Circuit withdrew the interim protection this Court granted—perhaps because the Ninth Circuit credited Defendants’ arguments regarding the balance of equities or the proper scope of interim relief under Section 705, neither of which is at issue in the proposed motion on the Section 706 claim—the stay

¹ Defendants oppose this Motion.

1 decision provides no reasoning and is not precedent, so it does not dictate the resolution of the
2 Section 706 claim.

3 If the Court grants Plaintiffs leave to file a separate motion for summary judgment on the
4 departure-from-past-practice claim in addition to the October 14 summary judgment motion on all
5 other issues, Plaintiffs propose the following timeline:

- 6 • **August 25, 2025:** Plaintiffs file their Motion for Partial Summary Judgment on the claim that
7 Defendants violated Section 706 of the APA by arbitrarily and capriciously failing to
8 acknowledge or explain their departure from agency practice of providing at least a six-
9 month orderly transition period when terminating a TPS designation.
- 10 • **August 29, 2025:** Defendants file their Response to Plaintiffs' Motion for Partial summary
11 Judgment.
- 12 • **September 2, 2025:** Plaintiffs file an Optional Reply in Support of the Motion.
- 13 • **September 8, 2025:** The Court schedule a hearing on the Motion by September 8 (the day
14 before the Honduras and Nicaragua terminations are scheduled to take effect) or, in the
15 alternative, consider the Motion at the September 16, 2025 hearing on class certification.

16
17
18 Date: August 25, 2025

Respectfully submitted,

19 NATIONAL DAY LABORER ORGANIZING
20 NETWORK

/s/Jessica Karp Bansal

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HAITIAN BRIDGE ALLIANCE

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2025, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

NATIONAL DAY LABORER ORGANIZING
NETWORK

/s/ Jessica Karp Bansal
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